

ADVISORY OPINION 94-015

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

August 1, 1994

Ms. Pat Goins  
Kentucky Democratic Party  
P.O. Box 694  
Frankfort, Kentucky 40602

Dear Ms. Goins:

Thank you for contacting the Registry. The facts to your Advisory Opinion request may be stated as follows:

You represent the Kentucky State Democratic Party ("Party"). The Party is sponsoring a golf tournament fundraiser, and it would like to sell advertising to corporations in the form of an advertisement at each golf hole. The advertising will be sold to off-set expenses, and it is not supposed to produce a profit for the Party.

Based on the facts you have provided the Registry, the question you are asking can be stated as follows:

May the Kentucky State Democratic Party finance a fundraising golf tournament by selling advertising to corporations in the form of advertising signs at golf holes?

The short answer to your question is no. You mentioned AO 93-008 in your letter. That particular opinion is confined to a narrow set of facts, as are all Kentucky Registry of Election Finance Advisory Opinions issued under KRS 121.135. Interpretation of Kentucky campaign finance law is fact intensive.

The facts to your current question fall within the scope of Section 150 of the Kentucky Constitution and KRS 121.035(1). Section 150 of the Kentucky Constitution strictly prohibits any direct or indirect influence of Kentucky elections in the form of corporate money. The statute that interprets this prohibition in light of your specific facts is KRS 121.035(1), which states:

...No corporation organized or authorized to do business in this state shall, by itself or through an officer, agent, attorney or employee, subscribe, give, procure or furnish, or afterwards reimburse or compensate in any way any person who has subscribed, given, procured or furnished, any money privilege, favor or other thing of value to any political or quasi-political organization, or any officer or member thereof, to be used by such organization for the purposes of aiding, assisting or advancing **any** candidate for public office in **any way whatever**. Id. (Emphasis added)

In this case, the Party fits well within the term "political organization." KRS 121.035(1). Because the Party is a political organization, it may not accept corporate money which would directly or indirectly

support candidates for elective office in Kentucky. As with any other political party, the Kentucky Democratic Party exists primarily to support candidates for office. Therefore, Kentucky campaign finance law does not permit the corporate sponsorship mentioned in your question.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull  
General Counsel

TES/db